



Express Mail No.: EM 061 023 549 US

GAU 1641
#11
NB
03/09/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Palese et al.

Application No.: 09/070,629

Group Art Unit: 1641

Filed: April 30, 1998

Examiner: Scheiner, L.

For: RECOMBINANT VIRUSES
EXPRESSING TUMOR-ASSOCIATED
ANTIGENS AS ANTI-TUMOR
AGENTS

Attorney Docket No.: 6923-071

RECEIVED
FEB 24 2000
TC 1600 MAIL ROOM

RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 C.F.R. § 1.142

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated January 21, 2000, and pursuant to Rule 142 of the Rules of Practice, please consider the following elections and remarks.

REMARKS

The Examiner has required a restriction under 35 U.S.C. § 121 to one of the following inventions:

- I. Claims 1-11, drawn to recombinant virus and immunogenic formulation thereof, classified in class 424, subclass 199.1;
- II. Claims 12-18, drawn to a method of immunizing a tumor-bearing patient a classified in class 424, subclass 93.2; and
- III. Claim 19, drawn to a method of immunizing a tumor-free patient classified in class 424, subclass 93.2.

The Examiner contends that the inventions of Groups I-III are distinct from each other. Applicants respectfully traverse the Restriction Requirement and assert that the subject matter of Groups I-III are so intertwined that a single search would identify any relevant art pertaining to a recombinant virus encoding a tumor-associated antigen and methods of immunizing a patient comprising immunogenic formulations comprising said